



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

OCT 19 2017

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. John Harrington, CEO  
Patriarch Partners LLC  
Libertas dba Hussey Copper  
100 Washington Street  
Leetsdale, Pennsylvania 15056-1000

Re: Clean Water Act Section 308 Information Requirement

Dear Mr. Harrington,

Patriarch Partners LLC owns and operates a copper products manufacturing facility, Libertas dba Hussey Copper ("Facility") located in Leetsdale, Pennsylvania. The Facility is a point source subject to National Pollutant Discharge Elimination System (NPDES) permit requirements under the Clean Water Act (CWA or Act), 33 U.S.C. §1251, et seq.

Section 308 of the Act, 33 U.S.C. § 1318 authorizes the U.S. Environmental Protection Agency (EPA) to require owners and/or operators of point sources to provide information related to compliance with the CWA. Pursuant to that authority, EPA requires Patriarch Partners LLC to provide information related to discharges from the Facility, as specified in the attached Information Requirement.

You must respond in accordance with the instructions and deadlines set forth in the Information Requirement. Failure to comply with the terms of this Information Requirement constitutes a violation of the CWA and may result in enforcement action under Section 309 of the Act, 33U.S.C. § 1319 involving civil or criminal penalties.



If you have any questions about this Requirement for Information, you may contact Mr. Andrew Seligman, Enforcement Officer at (215) 814-2097 or have your counsel contact Mr. Douglas Frankenthaler, Assistant Regional Council at (215)814-2472

Sincerely,

A handwritten signature in black ink, appearing to read 'D. B. McGuigan', with a stylized flourish at the end.

David B. McGuigan, Ph.D.,  
Associate Director  
Office of NPDES Permit and Enforcement  
Water Protection Division

Enclosure

cc: Chris Kriley, PADEP SWRO

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

In The Matter of	:	
	:	
Patriarch Partners LLC	:	Proceeding under Section 308 of the
Libertas dba Hussey Copper	:	Clean Water Act, 33 U.S.C. § 1318
100 Washington Street	:	
Leetsdale, Pennsylvania	:	
15056-1000	:	
	:	
Respondent	:	<b>INFORMATION REQUIREMENT</b>
	:	
	:	

**I. STATUTORY AUTHORITY**

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires Patriarch Partners LLC, Libertas dba Hussey Copper (Patriarch Partners or Respondent) to provide the information about its facility located at 100 Washington Street, Leetsdale, PA 15056-1000 as specified below.

**II. STATUTORY AND REGULATORY BACKGROUND**

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
  - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
  - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
  - c. any requirement under Section 308 of the CWA; and

- d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
- 3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
- 4. You may, if you desire, assert a business confidentiality claim covering all or part of the information Requirement herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the Information Requirement herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. §1320.3(c)).

### **III. INSTRUCTIONS**

- 5. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.
- 6. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondent, as well as each person consulted in the preparation of the response.
- 7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
- 8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.
- 9. Provide your response in tabular form in both hard copy and as an electronic spreadsheet file in Microsoft Excel format.
- 10. If requested information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false,

incomplete, or misrepresents the facts; the Respondent must provide EPA with a corrected response as soon as possible.

11. All submissions provided pursuant to this Requirement shall be signed and dated by a responsible official of Respondent and include the following certification:

***"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."***

Signed \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

12. Submit a copy of your response to the following individual:

Mr. Andrew Seligman (3WP42)  
NPDES Enforcement Branch  
Water Protection Division  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

13. If you have questions regarding this Information Requirement, you may contact Mr. Andrew Seligman of the NPDES Enforcement Branch at (215) 814-2097 or have your counsel contact Douglas Frankenthaler, Assistant Regional Counsel at (215) 814-2472.

#### **IV. DEFINITIONS**

14. The terms "Document", "Documents" and "Documentation" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy on which there is any writing, notation, or the like; (c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.



15. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to Respondent. The term "identify" with respect to a business entity means to provide that entity's name, address, and relationship to the Respondent, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.
16. The term "Facility" refers to the Hussey Copper/Libertas copper processing facility located at 100 Washington Street, Leetsdale, Pennsylvania, 15056-1000, including all wastewater treatment processes and associated collection and/or conveyance systems, equipment and appurtenances.
17. The term "process wastewater" shall have the same meaning as that provided under 40 C.F.R. 122.2.

## **V. INFORMATION REQUIREMENT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2017, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information for the period January 1, 2007 to present, unless otherwise noted, within thirty (30) days of the effective date of this Information Requirement:

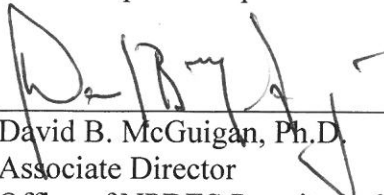
18. Provide a narrative description of the National Pollutant Discharge Elimination System (NPDES) permitting history for the Facility from at least 2010 through the present. Include:
  - a. Descriptions of efforts taken to transfer NPDES permits from previous owners; operators or permit holders;
  - b. Identify and provide copies and all correspondence and documents in Respondents possession between PADEP and Respondent concerning the NPDES permit and permitting process for the facility;
  - c. Identify and provide copies of all NPDES permit applications and related submissions and documents by and between Respondent and PADEP; and
  - d. Identify and provide any and all documents concerning Respondent's operations received from PADEP, including any emails or letters concerning Respondent's operations and ability to operate before issuance of the current NPDES permit.
19. Provide updated compliance data for the Facility from May 1<sup>st</sup>, 2017 to present, in the spreadsheet format contained in Attachment A to this Information Requirement.
20. Identify, describe and provide copies of any and all documents, including reports, data and analysis, concerning Respondent's past and ongoing compliance efforts, Discharge Monitoring Reports (DMRs), sample and lab results used for preparation and submissions. Include copies of any internal or external e-mails, documents related to discussions, memoranda, lab results or other documents that relate to DMR preparation and DMR reporting or otherwise related to Clean Water Act or NPDES Permit compliance.

21. Identify, describe and provide copies of any and all documents concerning treatment or potential treatment, or treatability of Respondent's effluent or process water. Include, without limitation:
  - a. Any treatment analysis or studies prepared by or for Respondent since 2007;
  - b. Any data and research relied on by Respondent to determine, adjust or make changes to current or past treatment processes; and
  - c. Any other relevant information and documents concerning Respondent's current and past treatment efforts.
22. Identify the names and addresses of any and all environmental consultants that have performed any work for Respondent at any time over the past 10 years. Identify the name of the consultant(s), the type of work that they performed and describe any documentation that might be associated with that work, including reports prepared, data and analysis gathered.
23. Identify, describe and provide copies of all documents related to any environmental management policies, practices, standard operating procedures, systems, environmental compliance training, etc., for Respondent. Include responses relevant to the Facility and any and all corporate entities in the current ownership structure of the Facility. Provide the relevant dates when each particular policy or practice was drafted and was/is in effect.
24. Identify and provide a corporate structure description that provides a complete description of all individuals and job positions involved in environmental compliance related activities at the Facility and with Respondent. Include complete job descriptions for each position, reporting chains, names of current individuals holding those positions, and to the extent there has been any change in structure or individuals over the past 10 years, provide the same information for different time periods and the relevant dates.
25. Identify, describe and provide copies of any documents related to internal or external analysis concerning DMR preparation and submissions and violations identified or not identified on any such submissions. Include, without limitation, any analysis of the accuracy, correctness and completeness of any such submissions.

#### **VI. EFFECTIVE DATE**

This INFORMATION REQUIREMENT is effective upon receipt.

Date: 10/19/17

  
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David B. McGuigan, Ph.D.  
Associate Director  
Office of NPDES Permits and Enforcement  
Water Protection Division

